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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/604, 975	03/25/96	TAYLOR	K ITI-169

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MICHAEL I WOLFSON  
COWAN LIEBOWITZ & LATMAN  
1133 AVENUE OF THE AMERICAS  
NEW YORK NY 10036

EXAMINER	
BRINSON, P	
ART UNIT	PAPER NUMBER
3753	13

DATE MAILED: 10/06/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 08/604,975	Applicant(s) Kevon Charles Taylor
Examiner Patrick F. Brinson	Group Art Unit 3753

Responsive to communication(s) filed on \_\_\_\_\_.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1 and 4 is/are rejected.

Claim(s) 2, 3, and 5-10 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 12

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-10 are objected to because of the following informalities: Claims 1-10 all recite "characterised in that". It is suggested that "characterised in that" be changed to "wherein" in order to put the claim language in more standard English format. Likewise, claims 1 and 9 recite "register with" and "for register with", respectively. It is suggested that language such as "aligned with" replace "register with" in order to clearly convey the relationship between the lateral pipe and the tubular structure aperture. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites "characterised by tailored inflation member...". There is no structural connection between the inflation member and the assembly of claim 1.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Application WO 91/16568 to **Wood**.

The PCT Application WO 91/16568 discloses an assembly for forming a cure-in-place lining to a region of a lateral/main pipe connection, including a length of tubular structure (38) for application to the main pipe surface (10) to each side of the lateral connection pipe (12). The length of the tubular structure including a wall aperture that is aligned with the lateral pipe and a lateral extension, fig. 7, (14) tubular structure extending from the aperture and for extending into the lateral pipe. The lateral tubular structure and collar (100) being formed of a resin impregnated material, and it is disclosed that the collar remains in place around the lateral aperture. The tubular structure is not disclosed as having a resin impregnated layer, however, it would be obvious to one of ordinary skill in the art to provide the tubular structure (38) with a resin impregnated layer in order to alternatively seal around both sides of the lateral extension as is done in the **Wood** reference by the collar (100).

#### *Allowable Subject Matter*

4. Claims 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Kamiyama et al. '719, '873, '033, ' and 401, Wood, Endoh, Lippiatt, and Rice are all pertinent to Applicant's invention in disclosing methods and devices for lining pipes, in particular those having lateral extensions.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PATRICK F. BRINSON** whose telephone number is (703) 308-0111.



PATRICK F. BRINSON  
PRIMARY EXAMINER  
Tech Center 3700

P. F. Brinson  
September 29, 1998